



Committee on Criminal Justice Appropriations

Tuesday, April 11, 2006

COMMITTEE ACTION REPORT

Allan Bense
Speaker

Gustavo Barreiro, Chair
Arthenia Joyner, Vice-Chair

COMMITTEE MEETING REPORT
Criminal Justice Appropriations Committee
4/11/2006 9:30:00AM

Location: 214 Capitol

Attendance:

| | <i>Present</i> | <i>Absent</i> | <i>Excused</i> |
|--------------------------|----------------|---------------|----------------|
| Gustavo Barreiro (Chair) | | | X |
| Sandra Adams | X | | |
| Dan Gelber | X | | |
| Arthenia Joyner | X | | |
| Mitch Needelman | X | | |
| Everett Rice | X | | |
| Totals: | 5 | 0 | 1 |

Committee meeting was reported out: Tuesday, April 11, 2006 11:00:25AM

COMMITTEE MEETING REPORT
Criminal Justice Appropriations Committee
4/11/2006 9:30:00AM

Location: 214 Capitol

HB 297 CS : Driving and Boating Under the Influence

☒ *Favorable*

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|--------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Sandra Adams | X | | | | |
| Dan Gelber | X | | | | |
| Arthenia Joyner | X | | | | |
| Mitch Needelman | X | | | | |
| Everett Rice | X | | | | |
| Gustavo Barreiro (Chair) | | | X | | |
| Total Yeas: 5 | | Total Nays: 0 | | | |

Committee meeting was reported out: Tuesday, April 11, 2006 11:00:25AM

COMMITTEE MEETING REPORT
Criminal Justice Appropriations Committee
4/11/2006 9:30:00AM

Location: 214 Capitol

HB 327 CS : Sexual and Career Offenders

☒ *Favorable*

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|--------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Sandra Adams | X | | | | |
| Dan Gelber | X | | | | |
| Arthenia Joyner | X | | | | |
| Mitch Needelman | X | | | | |
| Everett Rice | X | | | | |
| Gustavo Barreiro (Chair) | | | X | | |
| Total Yeas: 5 | | Total Nays: 0 | | | |

Committee meeting was reported out: Tuesday, April 11, 2006 11:00:25AM

COMMITTEE MEETING REPORT
Criminal Justice Appropriations Committee
4/11/2006 9:30:00AM

Location: 214 Capitol
HB 335 CS : Juvenile Justice

☒ *Favorable With Committee Substitute*

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|--------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Sandra Adams | X | | | | |
| Dan Gelber | X | | | | |
| Arthenia Joyner | X | | | | |
| Mitch Needelman | X | | | | |
| Everett Rice | X | | | | |
| Gustavo Barreiro (Chair) | | | X | | |
| Total Yeas: 5 | | Total Nays: 0 | | | |

Committee meeting was reported out: Tuesday, April 11, 2006 11:00:25AM

COMMITTEE MEETING REPORT
Criminal Justice Appropriations Committee
4/11/2006 9:30:00AM

Location: 214 Capitol

HB 367 : Accessories to a Crime

☒ *Favorable With Committee Substitute*

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|--------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Sandra Adams | X | | | | |
| Dan Gelber | X | | | | |
| Arthenia Joyner | X | | | | |
| Mitch Needelman | X | | | | |
| Everett Rice | X | | | | |
| Gustavo Barreiro (Chair) | | | X | | |
| Total Yeas: 5 | | Total Nays: 0 | | | |

Committee meeting was reported out: Tuesday, April 11, 2006 11:00:25AM

COMMITTEE MEETING REPORT
Criminal Justice Appropriations Committee
4/11/2006 9:30:00AM

Location: 214 Capitol

HB 469 CS : Human Trafficking

☒ *Favorable With Committee Substitute*

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|--------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Sandra Adams | X | | | | |
| Dan Gelber | X | | | | |
| Arthenia Joyner | X | | | | |
| Mitch Needelman | X | | | | |
| Everett Rice | X | | | | |
| Gustavo Barreiro (Chair) | | | X | | |
| Total Yeas: 5 | | Total Nays: 0 | | | |

Committee meeting was reported out: Tuesday, April 11, 2006 11:00:25AM

COMMITTEE MEETING REPORT
Criminal Justice Appropriations Committee
4/11/2006 9:30:00AM

Location: 214 Capitol

HB 669 CS : Criminal Justice Standards and Training Commission

| | | | | | |
|------------------------------------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| <input checked="" type="checkbox"/> <i>Favorable</i> | | | | | |
| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
| Sandra Adams | X | | | | |
| Dan Gelber | X | | | | |
| Arthenia Joyner | X | | | | |
| Mitch Needelman | X | | | | |
| Everett Rice | X | | | | |
| Gustavo Barreiro (Chair) | | | X | | |
| Total Yeas: 5 | | Total Nays: 0 | | | |

Committee meeting was reported out: Tuesday, April 11, 2006 11:00:25AM

COMMITTEE MEETING REPORT
Criminal Justice Appropriations Committee
4/11/2006 9:30:00AM

Location: 214 Capitol

HB 763 : Luring or Enticing a Child

☒ *Favorable*

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|--------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Sandra Adams | X | | | | |
| Dan Gelber | X | | | | |
| Arthenia Joyner | X | | | | |
| Mitch Needelman | X | | | | |
| Everett Rice | X | | | | |
| Gustavo Barreiro (Chair) | | | X | | |
| Total Yeas: 5 | | Total Nays: 0 | | | |

Committee meeting was reported out: Tuesday, April 11, 2006 11:00:25AM

COMMITTEE MEETING REPORT
Criminal Justice Appropriations Committee
4/11/2006 9:30:00AM

Location: 214 Capitol
HB 815 : Strangulation

☒ *Favorable*

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|--------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Sandra Adams | X | | | | |
| Dan Gelber | X | | | | |
| Arthenia Joyner | X | | | | |
| Mitch Needelman | X | | | | |
| Everett Rice | X | | | | |
| Gustavo Barreiro (Chair) | | | X | | |
| Total Yeas: 5 | | Total Nays: 0 | | | |

Committee meeting was reported out: Tuesday, April 11, 2006 11:00:25AM

COMMITTEE MEETING REPORT
Criminal Justice Appropriations Committee
4/11/2006 9:30:00AM

Location: 214 Capitol
HB 827 : Pretrial Release

☒ *Favorable With Committee Substitute*

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|--------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Sandra Adams | X | | | | |
| Dan Gelber | X | | | | |
| Arthenia Joyner | X | | | | |
| Mitch Needelman | X | | | | |
| Everett Rice | X | | | | |
| Gustavo Barreiro (Chair) | | | X | | |
| Total Yeas: 5 | | Total Nays: 0 | | | |

Committee meeting was reported out: Tuesday, April 11, 2006 11:00:25AM

COMMITTEE MEETING REPORT
Criminal Justice Appropriations Committee
4/11/2006 9:30:00AM

Location: 214 Capitol

HB 1169 : Vehicular Accidents Involving Death or Personal Injuries

| | | | | | |
|------------------------------------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| <input checked="" type="checkbox"/> <i>Favorable</i> | | | | | |
| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
| Sandra Adams | X | | | | |
| Dan Gelber | X | | | | |
| Arthenia Joyner | X | | | | |
| Mitch Needelman | X | | | | |
| Everett Rice | X | | | | |
| Gustavo Barreiro (Chair) | | | X | | |
| Total Yeas: 5 | | Total Nays: 0 | | | |

Committee meeting was reported out: Tuesday, April 11, 2006 11:00:25AM

COMMITTEE MEETING REPORT
Criminal Justice Appropriations Committee
4/11/2006 9:30:00AM

Location: 214 Capitol

HB 1193 CS : Driving Under the Influence

| | | | | | |
|------------------------------------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| <input checked="" type="checkbox"/> <i>Favorable</i> | | | | | |
| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
| Sandra Adams | X | | | | |
| Dan Gelber | X | | | | |
| Arthenia Joyner | X | | | | |
| Mitch Needelman | X | | | | |
| Everett Rice | X | | | | |
| Gustavo Barreiro (Chair) | | | X | | |
| Total Yeas: 5 | | Total Nays: 0 | | | |

Committee meeting was reported out: Tuesday, April 11, 2006 11:00:25AM

COMMITTEE MEETING REPORT
Criminal Justice Appropriations Committee
4/11/2006 9:30:00AM

Location: 214 Capitol

HB 1457 CS : Youth Custody Officers

| <input checked="" type="checkbox"/> <i>Favorable</i> | | | | | |
|------------------------------------------------------|------------|------------|----------------|-------------------------|-------------------------|
| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
| Sandra Adams | X | | | | |
| Dan Gelber | X | | | | |
| Arthenia Joyner | X | | | | |
| Mitch Needelman | X | | | | |
| Everett Rice | X | | | | |
| Gustavo Barreiro (Chair) | | | X | | |
| Total Yeas: 5 Total Nays: 0 | | | | | |

Committee meeting was reported out: Tuesday, April 11, 2006 11:00:25AM

COMMITTEE MEETING REPORT
Criminal Justice Appropriations Committee
4/11/2006 9:30:00AM

Location: 214 Capitol

HB 1577 : Personal Identification Information

| | | | | | |
|------------------------------------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| <input checked="" type="checkbox"/> <i>Favorable</i> | | | | | |
| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
| Sandra Adams | X | | | | |
| Dan Gelber | X | | | | |
| Arthenia Joyner | X | | | | |
| Mitch Needelman | X | | | | |
| Everett Rice | X | | | | |
| Gustavo Barreiro (Chair) | | | X | | |
| Total Yeas: 5 | | Total Nays: 0 | | | |

Committee meeting was reported out: Tuesday, April 11, 2006 11:00:25AM

COMMITTEE MEETING REPORT
Criminal Justice Appropriations Committee
4/11/2006 9:30:00AM

Location: 214 Capitol
HB 7021 : Stolen Property

☒ *Favorable*

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|-----------------------------------------|------------|------------|----------------|-------------------------|-------------------------|
| Sandra Adams | X | | | | |
| Dan Gelber | | | X | | |
| Arthenia Joyner | X | | | | |
| Mitch Needelman | X | | | | |
| Everett Rice | X | | | | |
| Gustavo Barreiro (Chair) | | | X | | |
| Total Yeas: 4 Total Nays: 0 | | | | | |

Committee meeting was reported out: Tuesday, April 11, 2006 11:00:25AM

COMMITTEE MEETING REPORT
Criminal Justice Appropriations Committee
4/11/2006 9:30:00AM

Location: 214 Capitol

HB 7135 : Youthful Offenders

| | | | | | |
|------------------------------------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| <input checked="" type="checkbox"/> <i>Favorable</i> | | | | | |
| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
| Sandra Adams | X | | | | |
| Dan Gelber | | | X | | |
| Arthenia Joyner | X | | | | |
| Mitch Needelman | X | | | | |
| Everett Rice | X | | | | |
| Gustavo Barreiro (Chair) | | | X | | |
| Total Yeas: 4 | | Total Nays: 0 | | | |

Appearances:

Youthful Offenders

Mary Polson, Trial Court Staff Attorney (State Employee) - Proponent

PO BOX 96

FT Walton Beach FL 32549

Phone: 850-685-5003

Committee meeting was reported out: Tuesday, April 11, 2006 11:00:25AM

COMMITTEE MEETING REPORT
Criminal Justice Appropriations Committee
4/11/2006 9:30:00AM

Location: 214 Capitol

HB 7137 CS : Drug Testing Within the Department of Corrections

| | | | | | |
|------------------------------------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| <input checked="" type="checkbox"/> <i>Favorable</i> | | | | | |
| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
| Sandra Adams | X | | | | |
| Dan Gelber | | | X | | |
| Arthenia Joyner | X | | | | |
| Mitch Needelman | X | | | | |
| Everett Rice | X | | | | |
| Gustavo Barreiro (Chair) | | | X | | |
| Total Yeas: 4 | | Total Nays: 0 | | | |

Committee meeting was reported out: Tuesday, April 11, 2006 11:00:25AM

COMMITTEE MEETING REPORT
Criminal Justice Appropriations Committee
4/11/2006 9:30:00AM

Location: 214 Capitol

HB 7157 : Fraudulent Use or Possession of Identifying Information

| <input checked="" type="checkbox"/> <i>Favorable</i> | | | | | |
|------------------------------------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
| Sandra Adams | X | | | | |
| Dan Gelber | X | | | | |
| Arthenia Joyner | X | | | | |
| Mitch Needelman | X | | | | |
| Everett Rice | X | | | | |
| Gustavo Barreiro (Chair) | | | X | | |
| Total Yeas: 5 | | Total Nays: 0 | | | |

Committee meeting was reported out: Tuesday, April 11, 2006 11:00:25AM

COMMITTEE MEETING REPORT
Criminal Justice Appropriations Committee
4/11/2006 9:30:00AM

Location: 214 Capitol
HB 7187 : Criminal Justice

| <input checked="" type="checkbox"/> <i>Favorable</i> | | | | | |
|------------------------------------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
| Sandra Adams | X | | | | |
| Dan Gelber | X | | | | |
| Arthenia Joyner | X | | | | |
| Mitch Needelman | X | | | | |
| Everett Rice | X | | | | |
| Gustavo Barreiro (Chair) | | | X | | |
| Total Yeas: 5 | | Total Nays: 0 | | | |

Committee meeting was reported out: Tuesday, April 11, 2006 11:00:25AM

COMMITTEE MEETING REPORT
Criminal Justice Appropriations Committee
4/11/2006 9:30:00AM

Location: 214 Capitol

Summary:

Criminal Justice Appropriations Committee

Tuesday April 11, 2006 09:30 am

| | | | |
|------------|-------------------------------------|---------|---------|
| HB 297 CS | Favorable | Yeas: 5 | Nays: 0 |
| HB 327 CS | Favorable | Yeas: 5 | Nays: 0 |
| HB 335 CS | Favorable With Committee Substitute | Yeas: 5 | Nays: 0 |
| HB 367 | Favorable With Committee Substitute | Yeas: 5 | Nays: 0 |
| HB 469 CS | Favorable With Committee Substitute | Yeas: 5 | Nays: 0 |
| HB 669 CS | Favorable | Yeas: 5 | Nays: 0 |
| HB 763 | Favorable | Yeas: 5 | Nays: 0 |
| HB 815 | Favorable | Yeas: 5 | Nays: 0 |
| HB 827 | Favorable With Committee Substitute | Yeas: 5 | Nays: 0 |
| HB 1169 | Favorable | Yeas: 5 | Nays: 0 |
| HB 1193 CS | Favorable | Yeas: 5 | Nays: 0 |
| HB 1457 CS | Favorable | Yeas: 5 | Nays: 0 |
| HB 1577 | Favorable | Yeas: 5 | Nays: 0 |
| HB 7021 | Favorable | Yeas: 4 | Nays: 0 |
| HB 7135 | Favorable | Yeas: 4 | Nays: 0 |
| HB 7137 CS | Favorable | Yeas: 4 | Nays: 0 |

Committee meeting was reported out: Tuesday, April 11, 2006 11:00:25AM

COMMITTEE MEETING REPORT
Criminal Justice Appropriations Committee
4/11/2006 9:30:00AM

Location: 214 Capitol

HB 7157 Favorable

Yeas: 5 Nays: 0

HB 7187 Favorable

Yeas: 5 Nays: 0

Committee meeting was reported out: Tuesday, April 11, 2006 11:00:25AM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

subsection; ~~or~~ employees of municipal or county detention facilities; or employees of the Department of Corrections, while acting in an official capacity.

Section 2. Paragraph (e) is added to subsection (1) of section 985.207, Florida Statutes, to read:

985.207 Taking a child into custody.--

(1) A child may be taken into custody under the following circumstances:

(e) When a law enforcement officer has probable cause to believe that a child who is awaiting disposition has violated conditions imposed by the court under s. 985.228(5) in his or her order of adjudication of delinquency.

Nothing in this subsection shall be construed to allow the detention of a child who does not meet the detention criteria in s. 985.215.

Section 3. Subsection (2) and paragraphs (d) and (g) of subsection (5) of section 985.215, Florida Statutes, are amended to read:

985.215 Detention.--

(2) Subject to the provisions of subsection (1), a child taken into custody and placed into nonsecure or home detention care or detained in secure detention care prior to a detention hearing may continue to be detained by the court if:

(a) The child is alleged to be an escapee from a residential commitment program, or an absconder from a nonresidential commitment program, a probation program, or conditional release supervision, or is alleged to have escaped while being lawfully transported to or from a residential commitment program.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

53 (b) The child is wanted in another jurisdiction for an
54 offense which, if committed by an adult, would be a felony.

55 (c) The child is charged with a delinquent act or
56 violation of law and requests in writing through legal counsel
57 to be detained for protection from an imminent physical threat
58 to his or her personal safety.

59 (d) The child is charged with committing an offense of
60 domestic violence as defined in s. 741.28 and is detained as
61 provided in s. 985.213(2)(b)3.

62 (e) The child is charged with possession or discharging a
63 firearm on school property in violation of s. 790.115.

64 (f) The child is charged with a capital felony, a life
65 felony, a felony of the first degree, a felony of the second
66 degree that does not involve a violation of chapter 893, or a
67 felony of the third degree that is also a crime of violence,
68 including any such offense involving the use or possession of a
69 firearm.

70 (g) The child is charged with any second degree or third
71 degree felony involving a violation of chapter 893 or any third
72 degree felony that is not also a crime of violence, and the
73 child:

74 1. Has a record of failure to appear at court hearings
75 after being properly notified in accordance with the Rules of
76 Juvenile Procedure;

77 2. Has a record of law violations prior to court hearings;

78 3. Has already been detained or has been released and is
79 awaiting final disposition of the case;

80 4. Has a record of violent conduct resulting in physical
81 injury to others; or

82 5. Is found to have been in possession of a firearm.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

83 (h) The child is alleged to have violated the conditions
84 of the child's probation or conditional release supervision.
85 However, a child detained under this paragraph may be held only
86 in a consequence unit as provided in s. 985.231(1)(a)1.c. If a
87 consequence unit is not available, the child shall be placed on
88 home detention with electronic monitoring.

89 (i) The child is detained on a judicial order for failure
90 to appear and has previously willfully failed to appear, after
91 proper notice, for an adjudicatory hearing on the same case
92 regardless of the results of the risk assessment instrument. A
93 child may be held in secure detention for up to 72 hours in
94 advance of the next scheduled court hearing pursuant to this
95 paragraph. The child's failure to keep the clerk of court and
96 defense counsel informed of a current and valid mailing address
97 where the child will receive notice to appear at court
98 proceedings does not provide an adequate ground for excusal of
99 the child's nonappearance at the hearings.

100 (j) The child is detained on a judicial order for failure
101 to appear and has previously willfully failed to appear, after
102 proper notice, at two or more court hearings of any nature on
103 the same case regardless of the results of the risk assessment
104 instrument. A child may be held in secure detention for up to 72
105 hours in advance of the next scheduled court hearing pursuant to
106 this paragraph. The child's failure to keep the clerk of court
107 and defense counsel informed of a current and valid mailing
108 address where the child will receive notice to appear at court
109 proceedings does not provide an adequate ground for excusal of
110 the child's nonappearance at the hearings.

111 (k) At his or her adjudicatory hearing, the child has been
112 found to have committed a delinquent act or violation of law and
113 has previously willfully failed to appear, after proper notice,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

14 for other delinquency court proceedings of any nature regardless
115 of the results of the risk assessment instrument. A child may be
116 held in secure detention or, at the discretion of the court and
117 if available, placed on home detention with electronic
118 monitoring until the child's disposition order is entered in his
119 or her case. The child's failure to keep the clerk of court and
120 defense counsel informed of a current and valid mailing address
121 where the child will receive notice to appear at court
122 proceedings does not provide an adequate ground for excusal of
123 the child's nonappearance at the hearings.

124
125 A child who meets any of these criteria and who is ordered to be
126 detained pursuant to this subsection shall be given a hearing
127 within 24 hours after being taken into custody. The purpose of
128 the detention hearing is to determine the existence of probable
129 cause that the child has committed the delinquent act or
130 violation of law with which he or she is charged and the need
131 for continued detention, except where the child is alleged to
132 have absconded from a nonresidential commitment program in which
133 case the court, at the detention hearing, shall order that the
134 child be released from detention and returned to his or her
135 nonresidential commitment program. Unless a child is detained
136 under paragraph (d), ~~or~~ paragraph (e), or paragraph (k), the
137 court shall use the results of the risk assessment performed by
138 the juvenile probation officer and, based on the criteria in
139 this subsection, shall determine the need for continued
140 detention. A child placed into secure, nonsecure, or home
141 detention care may continue to be so detained by the court
142 pursuant to this subsection. If the court orders a placement
143 more restrictive than indicated by the results of the risk
144 assessment instrument, the court shall state, in writing, clear

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

145 and convincing reasons for such placement. Except as provided in
146 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),
147 paragraph (10)(c), or paragraph (10)(d), when a child is placed
148 into secure or nonsecure detention care, or into a respite home
149 or other placement pursuant to a court order following a
150 hearing, the court order must include specific instructions that
151 direct the release of the child from such placement no later
152 than 5 p.m. on the last day of the detention period specified in
153 paragraph (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1.,
154 whichever is applicable, unless the requirements of such
155 applicable provision have been met or an order of continuance
156 has been granted pursuant to paragraph (5)(f).

157 (5)

158 (d) Except as provided in paragraph (2)(k), paragraph (g),
159 or s. 985.228(5), a child may not be held in secure, nonsecure,
160 or home detention care for more than 15 days following the entry
161 of an order of adjudication.

162 (g) Upon good cause being shown that the nature of the
163 charge requires additional time for the prosecution or defense
164 of the case, the court may extend the time limits for detention
165 specified in paragraph (c) or paragraph (d) an additional 9 days
166 if the child is charged with an offense that would be, if
167 committed by an adult, a capital felony, a life felony, a felony
168 of the first degree, or a felony of the second degree involving
169 violence against any individual.

170 Section 4. Paragraph (b) of subsection (2) of section
171 985.2155, Florida Statutes, is amended to read:

172 985.2155 Shared county and state responsibility for
173 juvenile detention.--

174 (2) As used in this section, the term:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

175 (b) "Fiscally constrained county" means a county
176 ~~designated as a rural area of critical economic concern under s.~~
177 ~~288.0656~~ for which the value of a mill in the county is no more
178 than \$5 \$3 million, based on the property valuations and tax
179 data annually published by the Department of Revenue under s.
180 195.052.

181 Section 5. Subsection (5) of section 985.228, Florida
182 Statutes, is amended to read:

183 985.228 Adjudicatory hearings; withheld adjudications;
184 orders of adjudication.--

185 (5) (a) If the court finds that the child named in a
186 petition has committed a delinquent act or violation of law, but
187 elects not to proceed under subsection (4), it shall incorporate
188 that finding in an order of adjudication of delinquency entered
189 in the case, briefly stating the facts upon which the finding is
190 made, and the court shall thereafter have full authority under
191 this chapter to deal with the child as adjudicated.

192 (b) The order of adjudication of delinquency under
193 paragraph (a) shall also include conditions that must be
194 followed by the child until a disposition order is entered in
195 his or her case. These conditions must include, but are not
196 limited to, specifying that the child, during any period of time
197 that he or she:

198 1. Is not in secure detention, must comply with a curfew;
199 must attend school or another educational program, if eligible;
200 and is prohibited from engaging in ungovernable behavior.

201 2. Is in secure detention, is prohibited from engaging in
202 ungovernable behavior.

203 (c) For purposes of this subsection, the term
204 "ungovernable behavior" means:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

205 1. The child's failing to obey the reasonable and lawful
206 demands of the child's parent or legal guardian and, where
207 applicable, the reasonable and lawful demands of a person
208 responsible for supervising the child while he or she is in
209 school, another educational program, or secure detention.

210 2. The child engaging in behavior that evidences a risk
211 that the child may fail to appear for future court proceedings
212 or may inflict harm upon others or the property of others.

213 3. Other behavior of the child as specified in writing by
214 the court in the order of adjudication of delinquency.

215 (d) If a child willfully violates a condition contained in
216 his or her order of adjudication of delinquency, the court may
217 find the child in direct or indirect contempt of court under s.
218 985.216; however, notwithstanding s. 985.216 and the results of
219 the risk assessment instrument, the child's sanctions for such
220 contempt of court shall be placement in secure detention or, at
221 the discretion of the court and if available, on home detention
222 with electronic monitoring until the child's disposition order
223 is entered in his or her case.

224 Section 6. Paragraph (j) of subsection (1) of section
225 985.231, Florida Statutes, is amended to read:

226 985.231 Powers of disposition in delinquency cases.--

227 (1)

228 (j) If the offense committed by the child was grand theft
229 of a motor vehicle, the court:

230 1. Upon a first adjudication for a grand theft of a motor
231 vehicle, may place the child youth in a sheriff's training and
232 respect program boot-camp, unless the child is ineligible under
233 s. 985.3091 pursuant to s. 985.309, and shall order the child
234 youth to complete a minimum of 50 hours of community service.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

2. Upon a second adjudication for grand theft of a motor vehicle which is separate and unrelated to the previous adjudication, may place the child youth in a sheriff's training and respect program ~~boot camp~~, unless the child is ineligible under s. 985.3091 pursuant to s. 985.309, and shall order the child youth to complete a minimum of 100 hours of community service.

3. Upon a third adjudication for grand theft of a motor vehicle which is separate and unrelated to the previous adjudications, shall place the child youth in a sheriff's training and respect program ~~boot camp~~ or other treatment program, unless the child is ineligible under s. 985.3091 pursuant to s. 985.309, and shall order the child youth to complete a minimum of 250 hours of community service.

Section 7. Section 985.309, Florida Statutes, is repealed.

Section 8. Section 985.3091, Florida Statutes, is created to read:

985.3091 Sheriff's training and respect programs.--

(1) Contingent upon specific appropriation, local funding, or specific appropriation and local funding, a county sheriff may, under contract with the department, implement and operate a sheriff's training and respect program to provide intensive education, physical training, and rehabilitation for children who are eligible under subsection (2). A sheriff's training and respect program shall be under the sheriff's supervisory authority as determined by the contract between the department and the sheriff.

(2) A child is eligible for placement in a sheriff's training and respect program if he or she:

(a) Is at least 14 years of age but less than 18 years of age at the time of adjudication.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

266 (b) Has been committed to the department for any offense
267 that, if committed by an adult, would be a felony other than a
268 capital felony, a life felony, or a violent felony of the first
269 degree.

270 (c) Has a medical, psychological, and substance abuse
271 profile that is conducive to successful completion of the
272 program, as determined by the sheriff's and department's review
273 of preadmission medical, psychological, and substance abuse
274 screenings conducted by the department.

275 (d) Will be placed in the judicial circuit in which the
276 child was adjudicated, except that the child may be placed
277 outside of that judicial circuit if:

278 1. The department, or the court if otherwise authorized by
279 law to select a commitment program within a restrictiveness
280 level for a child, determines that placement within the judicial
281 circuit would not be in the child's best interest or the
282 sheriff's training and respect program is unable to accept the
283 child; and

284 2. The child's parent or guardian agrees in writing to the
285 placement.

286 (3) A sheriff's training and respect program shall require
287 children to:

288 (a) Participate in physical training exercises.

289 (b) Complete educational, vocational, community service,
290 and substance abuse programs.

291 (c) Receive training in life and job skills and in
292 techniques for appropriate decisionmaking.

293 (d) Receive counseling that is directed at replacing
294 criminal thinking, beliefs, and values with moral thinking,
295 beliefs, and values.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

296 (4) A sheriff's training and respect program shall be a
297 moderate-risk residential program and must provide conditional
298 release assessment and services in accordance with s. 985.316.
299 The minimum period of participation in the residential component
300 of a sheriff's training and respect program is 4 months;
301 however, this subsection does not prohibit operation of a
302 program that requires the participants to spend more than 4
303 months in the residential component of the program or that
304 requires the participants to complete two sequential programs of
305 4 months each in the residential component of the program.

306 (5) The department shall adopt rules under ss. 120.536(1)
307 and 120.54 for the sheriff's training and respect program that
308 specify:

309 (a) Requirements for the preadmission medical,
310 psychological, and substance abuse screenings required by
311 subsection (2).

312 (b) Authorized disciplinary sanctions and restrictions on
313 the privileges of the general population of children in the
314 program. The rules must prohibit the use of physical force or
315 restraint except as authorized in rules adopted pursuant to s.
316 985.4055 and must specifically preclude the use of physical
317 force or restraint as a disciplinary sanction or to encourage
318 compliance with program requirements.

319 (c) Prohibitions on the use of psychological intimidation
320 techniques, unless necessary for the safety of youth or other
321 persons or to maintain security.

322 (d) Requirements for provision of notice by the program to
323 the department and for the removal of a child from the program
324 if the child becomes unmanageable or ineligible for the program
325 due to changes in his or her medical, psychological, or
26 substance abuse profile.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

327 (e) Requirements for the prominent display of the
328 telephone number of the statewide abuse registry and for
329 immediate access by children in the program, upon request, to a
330 telephone for the purpose of contacting the abuse registry.

331 (6) (a) Evaluations under s. 985.412(5) of each sheriff's
332 training and respect program shall be conducted quarterly during
333 the first year of the program's operation. Thereafter, if the
334 program has met the minimum thresholds for the evaluation, the
335 program shall be evaluated annually. If a sheriff's training and
336 respect program fails to meet the minimum thresholds, the
337 department shall cancel the contract for the program:

338 1. Immediately if the program has a deficiency in a
339 critical life safety aspect of its operations, as defined in
340 department rule, or has failed to train and certify its
341 employees as required in s. 985.4055.

342 2. If the program fails to achieve compliance with the
343 minimum thresholds for program continuation within 3 months,
344 unless there are documented extenuating circumstances, as
345 defined in department rule.

346 (b) Upon cancellation of a contract under paragraph (a),
347 the program's operations shall immediately cease and the
348 department shall immediately discontinue any state payments to
349 the program.

350 (7) The department shall keep records and monitor criminal
351 activity, educational progress, and employment placement of all
352 sheriff's training and respect program participants after their
353 release from the program. The department must annually publish
354 an outcome evaluation study of each sheriff's training and
355 respect program.

356 (8) (a) The department shall adopt rules under ss.
357 120.536(1) and 120.54 that establish training requirements for

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

58 staff in a sheriff's training and respect program. These
359 requirements shall, at a minimum, require administrative staff
360 to successfully complete 120 contact hours of department-
361 approved training and staff who provide direct care, as defined
362 in s. 985.4055, to successfully complete 200 contact hours of
363 department-approved training.

364 (b) Department-approved training must include, but is not
365 limited to, training on:

- 366 1. State and federal laws relating to child abuse.
367 2. Authorized disciplinary sanctions, privilege
368 restrictions, and limitations on use of physical force and
369 restraint techniques under paragraph (5) (b) and prohibited
370 psychological intimidation techniques under paragraph (5) (c).
371 3. Appropriate counseling techniques and aggression
372 control methods.
373 4. Appropriate methods for dealing with children who have
374 been placed in programs that emphasize physical fitness and
375 personal discipline, including training on the identification
376 of, and appropriate responses to, children who are experiencing
377 physical or mental distress.
378 5. Cardiopulmonary resuscitation, choke-relief, and other
379 emergency medical procedures.

380 (c) All department-approved training courses under this
381 subsection must be taught by persons who are certified as
382 instructors by the Division of Criminal Justice Standards and
383 Training of the Department of Law Enforcement and who have prior
384 experience in a juvenile program. A training course in
385 counseling techniques need not be taught by a certified
386 instructor but must be taught by a person who has at least a
387 bachelor's degree in social work, counseling, psychology, or a
88 related field.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

(d) A person may not provide direct care, as defined in s. 985.4055, to a child in a sheriff's training and respect program unless he or she has successfully completed the training requirements under this subsection and has complied with the requirements for employees under s. 985.4055(2) (b) - (d).

(9) Children shall not be admitted to a sheriff's training and respect program until the department has adopted the rules required by this section and has verified that each program is in compliance with all laws and rules applicable to the program. The department may adopt emergency rules pursuant to s. 120.54(4) if necessary to allow operation of sheriff's training and respect programs beginning July 1, 2006.

Section 9. Paragraph (a) of subsection (1) and paragraph (i) of subsection (3) of section 985.31, Florida Statutes, are amended to read:

985.31 Serious or habitual juvenile offender.--

(1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to the provisions of this chapter and the establishment of appropriate program guidelines and standards, contractual instruments, which shall include safeguards of all constitutional rights, shall be developed as follows:

(a) The department shall provide for:

1. The oversight of implementation of assessment and treatment approaches.

2. The identification and prequalification of appropriate individuals or not-for-profit organizations, including minority individuals or organizations when possible, to provide assessment and treatment services to serious or habitual delinquent children.

3. The monitoring and evaluation of assessment and treatment services for compliance with the provisions of this

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

chapter and all applicable rules and guidelines pursuant thereto.

~~4. The development of an annual report on the performance of assessment and treatment to be presented to the Governor, the Attorney General, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General no later than January 1 of each year.~~

(3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND TREATMENT.--

(i) The treatment and placement recommendations shall be submitted to the court for further action pursuant to this paragraph:

1. If it is recommended that placement in a serious or habitual juvenile offender program or facility is inappropriate, the court shall make an alternative disposition pursuant to s. 985.3091 ~~985.309~~ or other alternative sentencing as applicable, using ~~utilizing~~ the recommendation as a guide.

2. If it is recommended that placement in a serious or habitual juvenile offender program or facility is appropriate, the court may commit the child to the department for placement in the restrictiveness level designated for serious or habitual delinquent children programs.

Section 10. Paragraph (a) of subsection (1) and paragraph (i) of subsection (3) of section 985.311, Florida Statutes, are amended to read:

985.311 Intensive residential treatment program for offenders less than 13 years of age.--

(1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to the provisions of this chapter and the establishment of appropriate program guidelines and standards, contractual instruments, which shall include safeguards of all constitutional rights, shall be

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

developed for intensive residential treatment programs for offenders less than 13 years of age as follows:

(a) The department shall provide for:

1. The oversight of implementation of assessment and treatment approaches.

2. The identification and prequalification of appropriate individuals or not-for-profit organizations, including minority individuals or organizations when possible, to provide assessment and treatment services to intensive offenders less than 13 years of age.

3. The monitoring and evaluation of assessment and treatment services for compliance with the provisions of this chapter and all applicable rules and guidelines pursuant thereto.

~~4. The development of an annual report on the performance of assessment and treatment to be presented to the Governor, the Attorney General, the President of the Senate, the Speaker of the House of Representatives, the Auditor General, and the Office of Program Policy Analysis and Government Accountability no later than January 1 of each year.~~

(3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND TREATMENT.--

(i) The treatment and placement recommendations shall be submitted to the court for further action pursuant to this paragraph:

1. If it is recommended that placement in an intensive residential treatment program for offenders less than 13 years of age is inappropriate, the court shall make an alternative disposition pursuant to s. 985.3091 ~~985.309~~ or other alternative sentencing as applicable, utilizing the recommendation as a guide.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

2. If it is recommended that placement in an intensive residential treatment program for offenders less than 13 years of age is appropriate, the court may commit the child to the department for placement in the restrictiveness level designated for intensive residential treatment program for offenders less than 13 years of age.

Section 11. Subsection (5) of section 985.317, Florida Statutes, is amended to read:

985.317 Literacy programs for juvenile offenders.--

~~(5) EVALUATION AND REPORT. The department, in consultation with the Department of Education, shall develop and implement an evaluation of the literacy program in order to determine the impact of the programs on recidivism. The department shall submit an annual report on the implementation and progress of the programs to the President of the Senate and the Speaker of the House of Representatives by January 1 of each year.~~

Section 12. Section 985.3142, Florida Statutes, is created to read:

985.3142 Failure to return from a temporary release.-- The willful failure of a child to return to a residential commitment facility described in s. 985.03(46) within the time authorized for a temporary release shall:

(1) For a first offense, constitute absconding and such offense shall be treated in the same manner as absconding from nonresidential commitment facility under this chapter, except that under s. 985.215(2) the court shall order that the child be returned to his or her residential commitment facility at the child's detention hearing.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

(2) For a second or subsequent offense, constitute a misdemeanor of the second degree, punishable as provided in s. 775.082 or 775.083

Section 13. Section 985.4055, Florida Statutes, is created to read:

985.4055 Protective action response.--

(1) For purposes of this section, the term:

(a) "Direct care" means the care, supervision, custody, or control of youth in any facility, service, or program that is operated by the department or by a provider under contract with the department.

(b) "Employee" means any person who exercises direct care.

(c) "Protective Action Response policy" means the policy governing the use of verbal and physical intervention techniques, mechanical restraints, and aerosol and chemical agents by employees.

(2) The department shall adopt rules under ss. 120.536(1) and 120.54 that:

(a) Establish a Protective Action Response policy that:

1. Defines the authorized level of response by an employee to each level of verbal or physical resistance by a youth.

2. Requires the use of verbal intervention techniques as the initial response by an employee to verbal or physical resistance by a youth, except where physical intervention techniques are necessary to prevent:

a. Physical harm to the youth, employee, or another person;

b. Property damage; or

c. The youth from escaping or absconding from lawful supervision.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

541 3. Defines authorized physical intervention techniques and
542 the situations under which employees may use these techniques
543 for youth. Pain compliance techniques and use of less than
544 lethal force shall be prohibited, except where necessary to
545 prevent:

546 a. Physical harm to the youth, employee, or another
547 person;

548 b. Property damage; or

549 c. The youth from escaping or absconding from lawful
550 supervision.

551
552 Lethal force shall be prohibited, except where necessary to
553 protect the employee or another person from an imminent threat
554 of great bodily harm or death. Prior authorization by an
555 employee's supervisor for the use of physical intervention
556 techniques shall be obtained when practical.

557 4. Defines authorized use of mechanical restraints and the
558 situations under which employees may use such restraints on
559 youth. Prohibited uses of mechanical restraints shall include
560 the use of neck restraints and the securing of a youth to a
561 fixed object. Supervision requirements for youth who are secured
562 in mechanical restraints shall include constant and direct
563 visual monitoring by an employee for purposes of insuring youth
564 safety and ascertaining indications by the youth that restraints
565 are no longer necessary. Prior authorization by an employee's
566 supervisor for the use of mechanical restraints shall be
567 obtained when practical.

568 5. Prohibits employee use of aerosol or chemical agents,
569 including, but not limited to, oleoresin capsicum spray and
570 ammonia capsules, on a youth unless required for medical
571 treatment of the youth by a licensed medical professional.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

(b) Establish training curriculums for protective action response certification of employees and instructors. The training curriculum for employee certification shall, at a minimum, require the employee to:

1. Complete 40 hours of instruction on the protective action response policy.

2. Obtain a passing score:

a. On a written examination that tests the employee's knowledge and understanding of the protective action response policy.

b. During an evaluation by an instructor of the employee's physically demonstrated ability to implement the protective action response policy.

(c) Require training curriculums for protective action response certification of employees to be taught by instructors who have been certified under the training curriculum for protective action response certification of instructors.

(d) Require each employee to have:

1. Completed the instruction required under subparagraph (b)1. within 90 days.

2. Received his or her protective action response certification within 90 days.

3. Direct supervision during the 90-day period prior to completing the instruction and certification requirements under subparagraphs 1. and 2. by an employee who had received the training and certification required by subparagraphs 1. and 2.

Section 14. Section 985.4056, Florida Statutes, is created to read:

985.4056 Juvenile Justice Accountability Commission.--

(1) CREATION; MEMBERSHIP.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

602 (a) The Juvenile Justice Accountability Commission is
603 created and administratively housed within the department. The
604 commission shall be composed of seven members appointed by the
605 Governor. Each member of the commission must have direct
606 experience in juvenile justice issues and must be a citizen of
607 and registered voter in this state. The composition of the
608 commission must equitably represent all geographic areas of the
609 state and include minorities and women.

610 (b) Within the 2-year period preceding his or her
611 appointment, a member of the commission may not have been, and
612 during the 2-year period following termination of his or her
613 appointment, a member of the commission may not be:

614 1. An employee of, a consultant to, or a provider under
615 contract with the department.

616 2. A contractor, or an employee or a consultant thereof,
617 who submits a bid, proposal, or reply in response to a
618 competitive solicitation issued by the commission.

619 (c) Each member of the commission shall serve a term of 4
620 years; however, for the purpose of providing staggered terms, of
621 the initial appointments, three members shall serve 2-year terms
622 and four members shall serve 4-year terms. Any vacancy on the
623 commission shall be filled in the same manner as the original
624 appointment within 60 days after the date upon which the vacancy
625 occurred, and any member appointed to fill a vacancy shall serve
626 only for the unexpired term of the member's predecessor. The
627 chairperson of the commission shall be selected by the members
628 for a term of 1 year.

629 (d) In addition to the membership specified under this
630 subsection, the commission shall invite ex officio, nonvoting
631 associates to attend and participate in commission meetings and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

to provide advice to the commission. The ex officio associates shall include, but are not limited to:

1. A member of the House of Representatives designated by the Speaker of the House.

2. A member of the Senate designated by the President of the Senate.

3. An employee of the Executive Office of the Governor designated by the Governor.

4. An employee of the department.

5. A circuit court judge with at least 1 year's experience in the juvenile delinquency division.

6. A sheriff.

7. A provider under contract with the department for the provision of one or more juvenile justice programs.

8. A member of a juvenile justice advocacy organization.

9. An employee of the Department of Law Enforcement who is responsible for data compilation and research.

10. A state university employee responsible for juvenile justice research.

(2) DEFINITIONS.--For purposes of this section, the term:

(a) "Juvenile justice program" means any facility, service, or program that is operated by the department or by a provider under contract with the department.

(b) "Minorities" means a member of a socially or economically disadvantaged group and includes African Americans, Hispanics, and American Indians.

(3) MEETINGS.--

(a) The commission shall hold a minimum of four regular meetings annually, and other meetings may be called by the chair upon giving at least 7 days' notice to all members and the public pursuant to chapter 120. Meetings may also be held upon

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

663 the written request of at least four members, upon at least 7
664 days' notice of such meeting being given to all members and the
665 public by the chair pursuant to chapter 120. Emergency meetings
666 may be held without notice upon the request of all members. The
667 meetings of the commission shall be held in the central office
668 of the department in Tallahassee unless the chair determines
669 that special circumstances warrant meeting at another location.

670 (b) A majority of the membership of the commission
671 constitutes a quorum and a quorum is required for any meeting of
672 the commission during which action will be voted upon. An action
673 of the commission is not binding unless the action is taken
674 pursuant to an affirmative vote of a majority of the members
675 present and the vote must be recorded in the minutes of the
676 meeting.

677 (c) A member of the commission may not authorize a
678 designee to attend a meeting of the commission in his or her
679 place. A member who fails to attend two consecutive regularly
680 scheduled meetings of the commission, unless the member is
681 excused by the chairperson, shall be deemed to have abandoned
682 the position, and the position shall be declared vacant by the
683 commission.

684 (d) The chairperson shall cause to be made a complete
685 record of the proceedings of the commission, which record shall
686 be open for public inspection.

687 (4) ORGANIZATION.--

688 (a) The commission, subject to appropriation, may employ
689 an executive director and other staff, and may retain
690 consultants, as necessary.

691 (b) The commission shall be a separate budget entity, and
692 the executive director shall be the chief administrative
93 officer. The department shall provide administrative support and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

694 service to the commission to the extent requested by the
695 executive director. The commission and its staff are not subject
696 to the control, supervision, or direction of the department.

697 (c) The commission shall develop a budget pursuant to
698 chapter 216. The budget is not subject to change by the
699 department and shall be submitted to the Governor and
700 Legislature as provided in s. 216.023.

701 (d) Members of the commission and ex officio associates
702 shall serve without compensation, but are entitled to
703 reimbursement for per diem and travel expenses under s. 112.061.

704 (5) DUTIES.--The commission shall:

705 (a) On or before October 1, 2006 and subject to
706 appropriation, enter into a contract under chapter 287 for the
707 development of a comprehensive evaluation, accountability, and
708 reporting system for each juvenile justice program individually
709 and for each category of the juvenile justice continuum for the
710 purpose of informing service providers and policy makers of the
711 effectiveness of individual providers and of the various
712 approaches to providing services. The contract must require the
713 provider to deliver the following on or before January 15, 2007:

714 1. A standardized evaluation protocol based upon best
715 practices for each juvenile justice program that:

716 a. Includes minimum thresholds for program continuation
717 and that identifies program effectiveness and areas in need of
718 expansion, improvement, modification, or elimination.

719 b. Provides criteria for program termination based upon
720 evaluation results.

721 c. Requires continual review of best practices literature
722 and updates to the standardized evaluation protocol based upon
723 that review.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

d. Requires an annual report to the executive and legislative branches, which sets forth for each juvenile justice program:

(I) A comprehensive description of the population served by the program.

(II) A specific description of the services provided by the program.

(III) Program cost.

(IV) A comparison of expenditures to federal and state funding.

(V) Immediate and long-range program concerns.

(VI) Recommendations to maintain, expand, improve, modify, or eliminate the program.

2. A process for the collection, analysis, and reporting of statistical data that will enable continuous evaluation of the juvenile justice system as a whole and will provide the Legislature, Governor, and the department with necessary and useful information and reports to make informed decisions regarding the effectiveness of, and any needed changes in, juvenile justice programming, policies, and laws.

(b) On or before February 15, 2007, submit a report to the appropriate substantive and fiscal committees of the Legislature, the Governor, and the secretary of the department that:

1. Provides a detailed summary of, and an implementation schedule for, the comprehensive evaluation, accountability, and reporting system developed by the provider under paragraph (a).

2. Sets forth recommendations by the commission for:

a. Modifications to the provider-developed system if found warranted by the commission.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

754 b. Statutory amendments and department rule and policy
755 changes that will be required to implement the provider-
756 developed system.

757 c. Funding requirements for implementation of the
758 provider-developed system.

759 d. Whether the provider-developed system should be
760 implemented by employees of the commission or by a provider
761 under contract with the commission.

762 (c) Monitor the development and implementation of long-
763 range juvenile justice program policies, including prevention,
764 early intervention, diversion, adjudication, and commitment.

765 (d) Review and recommend programmatic and fiscal policies
766 governing the operation of juvenile justice programs.

767 (e) Serve as a clearinghouse, in coordination with the
768 department, to provide information and assistance to the
769 juvenile justice circuit boards and juvenile justice county
770 councils.

771 (f) Advise the President of the Senate, the Speaker of the
772 House of Representatives, the Governor, and the department on
773 matters relating to this chapter.

774 (g) Conduct such other activities as the commission may
775 determine are necessary and appropriate to monitor the
776 effectiveness of the delivery of juvenile justice under this
777 chapter.

778 (h) Submit an annual report to the Governor, the
779 appropriate substantive and fiscal committees of the
780 Legislature, and the secretary of the department no later than
781 January 1st of each year that summarizes the meetings and
782 activities of the commission during the preceding year and
783 includes any recommendations of the commission for the following
784 year.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

85 (6) INFORMATION SYSTEM ACCESS.--The department shall
786 provide the commission with automated access to the Juvenile
787 Justice Information System under s. 20.316(4).

788 (7) RULEMAKING.--The commission shall adopt rules pursuant
789 to ss. 120.536(1) and 120.54 to implement the provisions of this
790 section.

791 Section 15. Section 985.412, Florida Statutes, is amended
792 to read:

793 985.412 Program review and reporting requirements ~~Quality~~
794 ~~assurance and cost-effectiveness.--~~

795 (1) LEGISLATIVE PURPOSE.--It is the intent of the
796 Legislature that the department:

797 (a) Ensure that information be provided to decisionmakers
798 in a timely manner so that resources are allocated to programs
799 that ~~of the department which~~ achieve desired performance levels.

800 (b) Collect and analyze available statistical data for the
801 purpose of ongoing evaluation of all programs.

802 (c)-(b) Provide information about the cost of ~~such~~ programs
803 and their differential effectiveness so that program ~~the~~ quality
804 may ~~of such programs~~ can be compared and improvements made
805 continually.

806 (d)-(e) Provide information to aid in developing related
807 policy issues and concerns.

808 (e)-(d) Provide information to the public about the
809 effectiveness of ~~such~~ programs in meeting established goals and
810 objectives.

811 (f)-(e) Provide a basis for a system of accountability so
812 that each youth ~~client~~ is afforded the best programs to meet his
813 or her needs.

814 (g)-(f) Improve service delivery to youth ~~clients~~.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

815 (h)-(g) Modify or eliminate activities that are not
816 effective.

817 (2) DEFINITIONS.--As used in this section, the term:

818 (a) "Youth" "Client" means any person who is being
819 provided treatment or services by the department or by a
820 provider under contract with the department.

821 (b) "Program" means any facility, service, or program for
822 youth that is operated by the department or by a provider under
823 contract with the department.

824 (c) ~~(b)~~ "Program component" means an aggregation of
825 generally related objectives which, because of their special
826 character, related workload, and interrelated output, can
827 logically be considered an entity for purposes of organization,
828 management, accounting, reporting, and budgeting.

829 ~~(c)~~ "Program effectiveness" means the ability of the
830 program to achieve desired client outcomes, goals, and
831 objectives.

832 (d) "Program group" means a collection of programs with
833 sufficient similarity of function, services, and youth to permit
834 appropriate comparisons among programs within the group.

835 (3) OUTCOME EVALUATION.--The department, in consultation
836 with the Office of Economic and Demographic Research, the Office
837 of Program Policy Analysis and Government Accountability, and
838 contract service providers, shall develop and use a standard
839 methodology for annually measuring, evaluating, and reporting
840 program outputs and youth outcomes for each program and program
841 group.

842 (a) The standard methodology must:

843 1. Incorporate, whenever possible, performance-based
844 budgeting measures.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

2. Include common terminology and operational definitions for measuring the performance of system and program administration, program outputs, and youth outcomes.

3. Specify program outputs for each program and for each program group within the juvenile justice continuum.

4. Specify desired youth outcomes and methods by which to measure youth outcomes for each program and program group.

(b) By February 15 of each year, the department shall submit to the appropriate substantive and fiscal committees of each house of the Legislature and the Governor a report that identifies and describes:

1. The standard methodology implemented under paragraph (a).

2. The programs offered within each program group.

3. The demographic profile and offense history of youth served in each program group.

4. The actual program outputs and youth outcomes achieved in each program group. ~~The department shall annually collect and report cost data for every program operated or contracted by the department. The cost data shall conform to a format approved by the department and the Legislature. Uniform cost data shall be reported and collected for state-operated and contracted programs so that comparisons can be made among programs. The department shall ensure that there is accurate cost accounting for state-operated services including market equivalent rent and other shared cost. The cost of the educational program provided to a residential facility shall be reported and included in the cost of a program. The department shall submit an annual cost report to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, the appropriate substantive and fiscal committees~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

~~of each house of the Legislature, and the Governor, no later than December 1 of each year. Cost benefit analysis for educational programs will be developed and implemented in collaboration with and in cooperation with the Department of Education, local providers, and local school districts. Cost data for the report shall include data collected by the Department of Education for the purposes of preparing the annual report required by s. 1003.52(19).~~

(4)(a) PROGRAM ACCOUNTABILITY MEASURES.--The department of Juvenile Justice, in consultation with the Office of Economic and Demographic Research, and contract service providers, shall develop a cost-effectiveness model and apply the model to each commitment program. ~~Program recidivism rates shall be a component of the model.~~

(a) The cost-effectiveness model shall compare program costs to expected and actual youth recidivism rates client outcomes and program outputs. It is the intent of the Legislature that continual development efforts take place to improve the validity and reliability of the cost-effectiveness model and ~~to integrate the standard methodology developed under s. 985.401(4) for interpreting program outcome evaluations.~~

(b) The department shall rank commitment programs based on the cost-effectiveness model and shall submit a report to the appropriate substantive and fiscal committees of each house of the Legislature by January 15 ~~December 31~~ of each year.

(c) Based on ~~reports of the department on client outcomes and program outputs and on the department's most recent cost-effectiveness rankings~~, the department may terminate a commitment program ~~operated by the department or a provider if the program has failed to achieve a minimum threshold of cost-effectiveness program effectiveness~~. This paragraph does not

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

preclude the department from terminating a contract as provided under this section or as otherwise provided by law or contract, and does not limit the department's authority to enter into or terminate a contract.

(d) In collaboration with the Office of Economic and Demographic Research, and contract service providers, the department shall develop a work plan to refine the cost-effectiveness model so that the model is consistent with the performance-based program budgeting measures approved by the Legislature to the extent the department deems appropriate. The department shall notify the Office of Program Policy Analysis and Government Accountability of any meetings to refine the model.

(e) Contingent upon specific appropriation, the department, in consultation with the Office of Economic and Demographic Research, and contract service providers, shall:

1. Construct a profile of each commitment program that uses the results of the quality assurance report required by this section, the cost-effectiveness report required in this subsection, and other reports available to the department.

2. Target, for a more comprehensive evaluation, any commitment program that has achieved consistently high, low, or disparate ratings in the reports required under subparagraph 1.

3. Identify the essential factors that contribute to the high, low, or disparate program ratings.

4. Use the results of these evaluations in developing or refining juvenile justice programs or program models, youth ~~client~~ outcomes and program outputs, provider contracts, quality assurance standards, and the cost-effectiveness model.

(5) QUALITY ASSURANCE.--The department shall:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

(a) Establish a comprehensive quality assurance system for each program ~~operated by the department or operated by a provider under contract with the department~~. Each contract entered into by the department must provide for quality assurance.

(b) Provide operational definitions of and criteria for quality assurance for each specific program component.

(c) Establish quality assurance goals and objectives for each specific program component.

(d) Establish the information and specific data elements required for the quality assurance program.

(e) Develop a quality assurance manual of specific, standardized terminology and procedures to be followed by each program.

(f) Evaluate each program ~~operated by the department or a provider under a contract with the department~~ and establish minimum thresholds for each program component.

1. If a provider fails to meet the established minimum thresholds, such failure shall cause the department to cancel the provider's contract:

a. Immediately if the provider has a deficiency in a critical life safety aspect of its operations, as defined in department rule, or has failed to train and certify its employees as required in s. 985.4055.

b. If ~~unless~~ the provider ~~fails to achieve~~ achieves compliance with minimum thresholds within 6 months, except as provided in s. 985.3091(6)(a), ~~or~~ unless there are documented extenuating circumstances as defined in department rule.

If a provider's contract is cancelled under subparagraph 1., the provider's operations shall immediately cease, the department

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

shall immediately discontinue any state payments to the
provider, and the provider shall be ineligible to contract with
the department ~~In addition, the department may not contract with~~
~~the same provider for the canceled service for a period of 12~~
months.

2. If a department-operated program fails to meet the
established minimum thresholds, the program's operations shall
be:

a. Immediately terminated if the program has a deficiency
in a critical life safety aspect of its operations, as defined
in department rule, or if the department has failed to train and
certify program employees as required in s. 985.4055.

b. Terminated if the department fails to achieve
compliance with the minimum thresholds for program continuation
within 6 months, unless there are documented extenuating
circumstances as defined in department rule. ~~the department must~~
~~take necessary and sufficient steps to ensure and document~~
~~program changes to achieve compliance with the established~~
~~minimum thresholds. If the department-operated program fails to~~
~~achieve compliance with the established minimum thresholds~~
~~within 6 months and if there are no documented extenuating~~
~~circumstances, the department must notify the Executive Office~~
~~of the Governor and the Legislature of the corrective action~~
~~taken. Appropriate corrective action may include, but is not~~
~~limited to:~~

1. ~~Contracting out for the services provided in the~~
~~program;~~

2. ~~Initiating appropriate disciplinary action against all~~
~~employees whose conduct or performance is deemed to have~~
~~materially contributed to the program's failure to meet~~
~~established minimum thresholds;~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

999 ~~3. Redesigning the program; or~~

1000 ~~4. Realigning the program.~~

1001 (g) ~~The department shall~~ Submit an annual report to the
1002 President of the Senate, the Speaker of the House of
1003 Representatives, the minority leader of each house of the
1004 Legislature, the appropriate substantive and fiscal committees
1005 of each house of the Legislature, and the Governor by ~~no later~~
1006 ~~than~~ February 1 of each year. The annual report must contain, at
1007 a minimum, for each ~~specific~~ program component:

1008 1. A comprehensive description of the population served.
1009 ~~by the program;~~

1010 2. A specific description of its the services.

1011 3. A summary of the performance of each program component
1012 evaluated. provided by the program;

1013 4. Cost data that is reported in a uniform format so that
1014 cost comparisons may be made among programs. For a residential
1015 program, the cost data must include the cost of its educational
1016 program.

1017 5. A comparison of expenditures to federal and state
1018 funding.

1019 6. Immediate and long-range concerns. ~~and~~

1020 7. Recommendations to maintain, expand, improve, modify,
1021 or eliminate each program component so that changes in services
1022 lead to enhancement in program quality. The department shall
1023 ensure the reliability and validity of the information contained
1024 in the report.

1025 ~~(6) The department shall collect and analyze available~~
1026 ~~statistical data for the purpose of ongoing evaluation of all~~
1027 ~~programs. The department shall provide the Legislature with~~
1028 ~~necessary information and reports to enable the Legislature to~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

~~make informed decisions regarding the effectiveness of, and any
needed changes in, services, programs, policies, and laws.~~

~~(7) No later than November 1, 2001, the department shall
submit a proposal to the Legislature concerning funding
incentives and disincentives for the department and for
providers under contract with the department. The
recommendations for funding incentives and disincentives shall
be based upon both quality assurance performance and cost-
effectiveness performance. The proposal should strive to achieve
consistency in incentives and disincentives for both department-
operated and contractor provided programs. The department may
include recommendations for the use of liquidated damages in the
proposal; however, the department is not presently authorized to
contract for liquidated damages in non hardware secure
facilities until January 1, 2002.~~

Section 16. Section 958.046, Florida Statutes, is amended
to read:

958.046 Placement in county-operated boot camp programs
for youthful offenders.--In counties where there are county-
operated youthful offender boot camp programs, other than boot
camps described in s. 958.04 or sheriff's training and respect
programs in s. 985.3091 ~~985.309~~, the court may sentence a
youthful offender to such a boot camp. In county-operated
youthful offender boot camp programs, juvenile offenders shall
not be commingled with youthful offenders.

Section 17. Section 985.314, Florida Statutes, is amended
to read:

985.314 Commitment programs for juvenile felony
offenders.--

(1) Notwithstanding any other law and regardless of the
child's age, a child who is adjudicated delinquent, or for whom

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

adjudication is withheld, for an act that would be a felony if committed by an adult, shall be committed to:

(a) A sheriff's training and respect boot-camp program under s. 985.3091 ~~s. 985.309~~ if the child has participated in an early delinquency intervention program as provided in s. 985.305.

(b) A program for serious or habitual juvenile offenders under s. 985.31 or an intensive residential treatment program for offenders less than 13 years of age under s. 985.311, if the child has participated in an early delinquency intervention program and has completed a sheriff's training and respect boot-camp program.

(c) A maximum-risk residential program, if the child has participated in an early delinquency intervention program, has completed a sheriff's training and respect boot-camp program, and has completed a program for serious or habitual juvenile offenders or an intensive residential treatment program for offenders less than 13 years of age. The commitment of a child to a maximum-risk residential program must be for an indeterminate period, but may not exceed the maximum term of imprisonment that an adult may serve for the same offense.

(2) In committing a child to the appropriate program, the court may consider an equivalent program of similar intensity as being comparable to a program required under subsection (1).

Section 18. Cost of supervision and care waiver; pilot program.--

(1) For purposes of this section, the term:

(a) "Approved parenting class" means a class approved by the Juvenile Justice Accountability Commission under subsection (4).

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

1090 (b) "Court" means a circuit court in the Ninth Judicial
1091 Circuit.

1092 (c) "Department" means the Department of Juvenile Justice.

1093 (d) "Parent" means the parent of child whose delinquency
1094 case comes before a circuit court in the Ninth Judicial Circuit.

1095 (2) (a) Notwithstanding any contrary provision of s.
1096 985.2311, Florida Statutes, for the period of October 1, 2006
1097 through June 30, 2009, the court shall enter an order waiving
1098 the fees required to be paid under s. 985.2311, Florida
1099 Statutes, by a parent if the parent successfully completes an
1100 approved parenting class and presents the court with notarized
1101 documentation of such completion.

1102 (b) Participation in an approved parenting class under
1103 this subsection is voluntary and the parent is responsible for
1104 the payment of all costs associated with participation in the
1105 class.

1106 (c) A parent who fails to successfully complete an
1107 approved parenting class shall pay the full amount of fees
1108 required by s. 985.2311, Florida Statutes.

1109 (d) A parent may only have fees waived under this
1110 subsection once.

1111 (3) The Office of Program Policy and Government
1112 Accountability shall evaluate the pilot program created by this
1113 section and shall submit a written report to the appropriate
1114 substantive and fiscal committees of the Legislature, the
1115 Governor, and the Department of Juvenile Justice on September
1116 30, 2007, and annually thereafter, which identifies for the
1117 Ninth Judicial Circuit during the fiscal year preceding the
1118 report:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

1119 (a) The number of delinquency cases in which fees were
1120 required to be ordered under s. 985.2311, F.S., and the total
1121 amount of those fees.

1122 (b) The number of delinquency cases in which parents
1123 agreed to complete an approved parenting class and the number of
1124 delinquency cases in which the parent submitted notarized
1125 documentation of successful completion to the court.

1126 (c) The number of delinquency cases in which the court
1127 entered an order waiving fees under subsection (2) and the total
1128 amount of fees waived.

1129 (d) The number of youth, as such data becomes available,
1130 who are taken into custody for a felony or misdemeanor within
1131 six months following their release from department custody or
1132 supervision, whichever occurs later, and whose parents' fees
1133 under s. 985.2311, Florida Statutes, are:

1134 1. Waived by court order under subsection (2).

1135 2. Not waived by court order under subsection (2).

1136 (4) The Juvenile Justice Accountability Commission,
1137 subject to appropriation, shall execute a contract under chapter
1138 287 for the provision of parenting courses in the Ninth Judicial
1139 Circuit between October 1, 2006 through June 30, 2009.

1140 (5) This section is repealed effective October 1, 2009.

1141 Section 19. Effective October 1, 2006, all powers, duties,
1142 resources, and personnel associated with the Department of
1143 Juvenile Justice's responsibilities under ss. 985.308(9),
1144 985.311(2)(e), 985.411(7) and (9)(b), and 985.412, Florida
1145 Statutes, are transferred by a type two transfer as defined in
1146 s. 20.06(2), Florida Statutes, to the Juvenile Justice
1147 Accountability Commission created by this act.

1148 Section 20. Judicial discretion to select commitment
1149 programs; pilot program.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

50 (1) The definitions contained in s. 985.03, Florida
1151 Statutes, apply to this section. Additionally, for purposes of
1152 this section, the term:

1153 (a) "Available placement" means a commitment program for
1154 which the department has determined the youth is eligible.

1155 (b) "Commitment program" means a facility, service, or
1156 program operated by the department or by a provider under
1157 contract with the department within a restrictiveness level.

1158 (c) "Delinquency court" means a circuit court in the
1159 First, Eleventh, Thirteenth, or Twentieth Judicial Circuit.

1160 (d) "Eligible" means a determination that the youth
1161 satisfies admission criteria for the commitment program.

1162 (e) "Wait period" means the shortest period of time
1163 expected to elapse prior to placement of a youth in a commitment
1164 program, as determined by the department based upon anticipated
1165 release dates for youth currently in the commitment program.

1166 (2) Between September 1, 2006, and July 1, 2010, a pilot
1167 program shall be conducted in the First, Eleventh, Thirteenth
1168 and Twentieth Judicial Circuits, which authorizes delinquency
1169 courts to select commitment programs for youth. The purpose of
1170 the pilot program is to identify and evaluate the benefits and
1171 disadvantages of affording such judicial discretion prior to
1172 legislative consideration of statewide implementation.

1173 (3) Before August 31, 2006, the department shall:

1174 (a) Develop, in consultation with delinquency court
1175 judges, procedures to implement this section.

1176 (b) Publish on its Internet website information that
1177 identifies the name and address of each commitment program and
1178 that describes for each identified commitment program the
1179 population of youth served; the maximum capacity; the services
1180 offered; the admission criteria; the most recent recidivism

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

1181 rates; and the most recent cost-effectiveness rankings and
1182 quality assurance results under s. 985.412, Florida Statutes.
1183 The department shall continually update information published
1184 under this paragraph as modifications occur.

1185 (4) Between September 1, 2006, and July 1, 2010, a
1186 delinquency court may:

1187 (a) Order the department to include in a youth's
1188 predisposition report a list of all available placements within
1189 each restrictiveness level identified by the court or
1190 recommended by the department. The list shall also indicate the
1191 wait period for each available placement identified by the
1192 department.

1193 (b)1. Specify for a youth committed by the court an
1194 available placement identified in the listing under paragraph
1195 (a), which has a wait period of 30 calendar days or less for a
1196 minimum-risk nonresidential, low-risk residential, moderate-risk
1197 residential, or high-risk residential commitment program or a
1198 wait period of 20 calendar days or less for a maximum-risk
1199 residential commitment program; or

1200 2. Alternatively, a delinquency court may specify:

1201 a. An available placement with a wait period in excess of
1202 those identified in subparagraph 1., if the court states reasons
1203 on the record establishing by a preponderance of the evidence
1204 that the available placement is in the youth's best interest; or

1205 b. A commitment program that is not listed as an available
1206 placement, if the court states reasons on the record
1207 establishing by a preponderance of the evidence that the youth
1208 is eligible for the commitment program and that the commitment
1209 program is in the youth's best interest.

1210 (5) When a delinquency court specifies an available
1211 placement or commitment program for a youth under paragraph

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

12 (4) (b), the youth shall be placed, as specified by the court,
1213 when the next regularly scheduled opening occurs after the
1214 placement of other youth who were previously committed and
1215 waiting for that program.

1216 (6) (a) The Office of Program Policy Analysis and
1217 Government Accountability shall conduct a longitudinal
1218 evaluation of the pilot program created by this section and
1219 shall submit a written report to the appropriate substantive and
1220 fiscal committees of the Legislature and to the Governor on
1221 January 1, 2008, and annually thereafter, which identifies,
1222 according to judicial circuit and restrictiveness level, the
1223 following data, as it becomes available, for the pilot program
1224 period:

1225 1. The number of youth committed to the department by a
1226 delinquency court.

1227 2. The number of youth placed by a delinquency court in an
1228 available placement under subparagraph (4) (b) 1. and sub-
1229 subparagraph (4) (b) 2.a., and in a commitment program under sub-
1230 subparagraph (4) (b) 2.b.

1231 3. The number of youth placed in a department-specified
1232 commitment program.

1233 4. The average wait period for, and the average number of
1234 days spent by youth in secure detention while awaiting placement
1235 in, delinquency court-specified commitment programs and
1236 department-specified commitment programs.

1237 5. The number of youth who complete, and who are otherwise
1238 released from, delinquency court-specified commitment programs
1239 and department-specified commitment programs.

1240 6. Educational achievements made by youth while
1241 participating in delinquency court-specified commitment programs
1242 and department-specified commitment programs.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

1243 7. The number of youth who are taken into custody for a
1244 felony or misdemeanor within 6 months following completion of
1245 delinquency court-specified commitment programs and department-
1246 specified commitment programs.

1247 (b) Before August 31, 2006:

1248 1. The department, in consultation with the Office of
1249 Program Policy Analysis and Government Accountability, shall
1250 develop reporting protocols to collect and maintain data
1251 necessary for the report required by this subsection.

1252 2. The Office of Program Policy Analysis and Government
1253 Accountability, in consultation with staff of the appropriate
1254 substantive and fiscal committees of the Legislature, shall
1255 develop common terminology and operational definitions for the
1256 measurement of data necessary for the report required by this
1257 subsection.

1258 (c) The reports required under paragraph (a) to be
1259 submitted on January 1, 2009, and January 1, 2010, must also
1260 include:

1261 1. Findings by the Office of Program Policy Analysis and
1262 Government Accountability, the department, and delinquency
1263 courts regarding the benefits and disadvantages of authorizing
1264 courts to select commitment programs.

1265 2. Recommendations by the Office of Program Policy
1266 Analysis and Government Accountability, the department, and
1267 delinquency courts, if found to be warranted, for amendments to
1268 current statutes addressing commitment.

1269 (7) This section is repealed effective July 1, 2010.

1270 Section 21. This act shall take effect July 1, 2006.

1271
1272
1273 ===== T I T L E A M E N D M E N T =====

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

1274 Remove the entire title and insert:

1275 A bill to be entitled

1276 An act relating to juvenile justice; amending s. 39.01,
1277 F.S.; including specified law enforcement officers in the
1278 definition of "other person responsible for a child's
1279 welfare" for purposes of abuse investigations; amending s.
1280 985.207, F.S.; permitting a law enforcement officer to
1281 take a child into custody for a violation of adjudication
1282 order conditions; amending s. 985.215, F.S.; permitting
1283 specified types of postadjudication detention for a child
1284 who has previously failed to appear at delinquency court
1285 proceedings regardless of risk assessment instrument
1286 results; providing exceptions that permit postadjudication
1287 detention until the child's disposition order is entered
1288 in his or her case; conforming cross-references; amending
1289 s. 985.2155, F.S.; revising the definition of the term
1290 "fiscally constrained county" for purposes of determining
1291 state payment of costs of juvenile detention care;
1292 amending s. 985.228, F.S.; requiring the court to include
1293 specified conditions in a child's order of adjudication of
1294 delinquency that apply during the postadjudication and
1295 predisposition period; providing a definition; permitting
1296 a court to find a child in contempt of court for a
1297 violation of adjudication order conditions; providing
1298 sanctions; amending s. 985.231, F.S.; conforming cross-
1299 references; repealing s. 985.309, F.S., relating to boot
1300 camps for children; creating s. 985.3091, F.S.;
1301 authorizing the department to contract for sheriff's
1302 training and respect programs; providing eligibility
1303 requirements for children placed in the programs;
1304 specifying required program offerings; specifying program

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

1305 participation time frames; requiring the department to
1306 adopt rules and maintain specified records; providing for
1307 quarterly evaluations of and contract cancellation under
1308 specified circumstances; specifying staff training
1309 requirements; requiring the department to adopt training
1310 rules; prohibiting the provision of direct care to
1311 children by staff who have not complied with training
1312 requirements; prohibiting the operation of a program until
1313 department rules are adopted and the department has
1314 verified program compliance with applicable law and rules;
1315 authorizing emergency rules to expedite implementation;
1316 amending s. 985.31, F.S.; deleting a requirement for a
1317 report on serious or habitual juvenile offenders;
1318 conforming cross-references and terminology; amending s.
1319 985.311, F.S.; deleting a requirement for a report on
1320 intensive residential treatment; conforming cross-
1321 references; amending s. 985.317, F.S.; deleting a
1322 requirement for a report on literacy programs for juvenile
1323 offenders; creating s. 985.3142, F.S.; providing that the
1324 failure of a child to return to a residential commitment
1325 facility within the time authorized for a temporary
1326 release is absconding for a first offense and is a second
1327 degree misdemeanor for a second or subsequent offense;
1328 providing penalties; creating s. 985.4055, F.S.; providing
1329 definitions; requiring the department to adopt rules
1330 establishing a protective action response policy;
1331 specifying when verbal and physical intervention
1332 techniques may be used; specifying prohibited uses of
1333 mechanical restraints; prohibiting use of aerosol and
1334 chemical agents; requiring the department to adopt rules
1335 establishing protection action response training

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

1336 curriculums and certification procedures; requiring
1337 department and provider employees to be certified in
1338 protective action response within a specified number of
1339 days; creating s. 985.4056, F.S.; creating the Juvenile
1340 Justice Accountability Commission; providing for
1341 membership; providing definitions; providing for meetings
1342 and voting requirements; providing for an executive
1343 director and staff; providing for commission's budget;
1344 providing for reimbursement of per diem and travel
1345 expenses; requiring the commission to contract for a
1346 comprehensive evaluation, accountability, and reporting
1347 system for juvenile justice programs; providing
1348 requirements for the system; requiring a report by the
1349 system provider; specifying commission duties; requiring a
1350 report by the commission; providing for termination of
1351 juvenile justice contracts and programs in specified
1352 circumstances; requiring the commission to adopt rules;
1353 amending s. 985.412, F.S.; directing the Department of
1354 Juvenile Justice to collect and analyze specified data;
1355 creating and revising definitions; requiring the
1356 development of a standard methodology for annually
1357 measuring, evaluating, and reporting program outputs and
1358 youth outcomes; requiring an annual report; specifying
1359 report contents; deleting a requirement for an annual cost
1360 data report; deleting a requirement for a cost-benefit
1361 analysis of educational programs; revising a cost-
1362 effectiveness model for commitment programs; revising a
1363 cost-effectiveness report due date; revising requirements
1364 for annual quality assurance reporting; providing for
1365 termination of juvenile justice contracts and programs in
1366 specified circumstances; providing conforming changes;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

1367 deleting obsolete provisions relating to incentive and
1368 disincentive proposals and liquidated damages; amending
1369 ss. 958.046 and 985.314, F.S.; conforming cross-references
1370 and terminology; creating the cost of supervision and care
1371 waiver pilot program in the Ninth Judicial Circuit;
1372 requiring waiver of fees imposed under s. 985.2311, F.S.,
1373 for successful completion of specified parenting classes;
1374 providing conditions applicable to such waiver; providing
1375 for review of the pilot program and reports by the Office
1376 of Program Policy and Government Accountability; requiring
1377 the Juvenile Justice Accountability Commission to contract
1378 for the provision of parenting classes; providing for
1379 future repeal; providing for a type two transfer of
1380 powers, duties, resources, and personnel relating to
1381 specified department responsibilities to the Juvenile
1382 Justice Accountability Commission; creating a pilot
1383 program that authorizes specified courts to select
1384 commitment programs for juvenile delinquents; providing
1385 definitions; providing program's purpose; requiring the
1386 Department of Juvenile Justice to develop implementation
1387 procedures and to publish specified information about
1388 commitment programs on its website; providing procedures
1389 for the selection of commitment programs by courts;
1390 requiring evaluation and reports by the Office of Program
1391 Policy and Government Accountability; specifying
1392 department and court responsibilities relating to the
1393 reports; providing for future repeal of the pilot program;
1394 providing an effective date.

1395